

EMZILE WILBURN,)
)
 Plaintiff,)
)
 v.) No. 4:08CV644 AGF
)
 STATE OF MISSOURI, et al.,)
)
 Defendants.)

This matter is before the Court on plaintiff's post-dismissal motion for extension of time to pay the filing fee. For the foregoing reasons, the motion will be denied.

On June 24, 2008, the Court dismissed plaintiff's case without prejudice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to pay the filing fee.

By motion dated June 21, 2008 (one day after the filing fee was due), but not received by this Court until July 9, 2008, plaintiff seeks an open extension of the deadline to pay the filing fee “because of poverty.” Plaintiff has not indicated when he believes he will have the funds to pay the filing fee or how he anticipates acquiring them. As this Court noted in its earlier order, a review of plaintiff’s complaint indicates that plaintiff is not under “imminent danger of physical injury.” As such, his untimely testament that he is poverty stricken¹ and his plea for an open extension of time to pay the filing fee cannot suffice to revive this action.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion for extension of time to pay the filing fee [Doc. #7] is **DENIED**.

Dated this 21st Day of July, 2008.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE

¹The Court takes judicial notice that despite plaintiff’s pleas of poverty, he has made several payments for filing fees in other cases before this Court as recently as July 9, 2008. See, e.g., Wilburn v. CMS, No. 4:06CV1828 ERW; Wilburn v. St. Louis City Justice Center, No. 4:07CV1444 DJS; Wilburn v. City of St. Louis, No. 4:08CV854 AGF.